

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LUIGI GIROTTA,

Plaintiff,

-against-

ROTHY'S, INC., et al.,

Defendants.

USDC SDNY  
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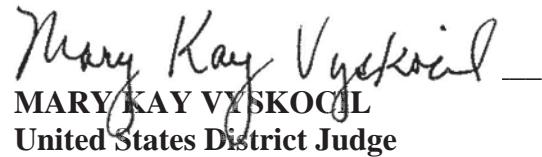
ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter from the parties informing the Court that the parties have reached a settlement in principle [ECF No. 30]. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued without costs to any party and without prejudice to restoring the action to this Court's calendar if the parties are unable to memorialize their agreement in writing and as long as the application to restore the action is made by **September 3, 2021**. If no such application is made by that date, today's dismissal of the action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004).

**SO ORDERED.**

**Date: August 3, 2021**  
New York, NY

  
MARY KAY VYSKOCIL  
United States District Judge